IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

OP.No. 24327 of 2002(U)

PETITIONER:

K.KELAN, KUZHIBILAKAL HOUSE,
MANIPURAM P.O., KODUVALLY, KOZHIKODE DIST.

BY ADV. SRI.P.J.MATHEW,
SRI.THOMAS JOHN AMBOOKEN.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   DEPARTMENT OF AGRICULTURE,GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF AGRICULTURE,**
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/04/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 41127/2002 IN O.P. NO. 24327/2002

DISMISSED

02/04/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: THE TESTIMONIAL ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION DT. 26/09/97.

EXT.P.2: COPY OF THE COMMON JUDGMENT IN THE ABOVE SAID ORIGINAL PETITIONS DT. 07/11/2001.

EXT.P.3: COPY OF THE R.2. DT. 22/06/2002 ALONG WITH ANNEXURE - A&B IMPLEMENTING THE JUDGEMENT OF THIS HONOURABLE COURT.

EXT.P.4: COPY OF THE REPRESENTATION DT. 19/07/2002.

EXT.P.5: COPY OF THE ORDER DTD. 31/07/2002 OF THE R.2.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P.No. 24327 of 2002

Dated this the 2nd day of April, 2007

JUDGMENT

The writ petition is filed with the following prayers:

> (i) to call for the entire records which lead to the passing of Ext.P5 and to quash the same by the issuance of a writ in the nature of certiorari or by any other appropriate writ, direction or order.
>
> (ii) to declare that the petitioner is entitled to get all monetary benefits including pensionary benefits deeming that he had taken charge as Agricultural Officer w.e.f. 25-11-99.
>
> (iii) to issue a writ in the nature of mandamus compelling the respondents to allow and disburse all monetary benefits of his promotion as Agricultural Officer w.e.f.25-11-1999.

When the matter was heard on 22-6-2006 learned Government Pleader sought time to file counter affidavit. Since the matter was almost fully argued this court passed the following order:-

> "In case no counter affidavit is filed on or before 17-7-2006, it will be taken that the respondents have no objection in allowing the writ petitioner. Post on 19-7-2006."

Even now there is no counter affidavit. Therefore, this writ petition is allowed in terms of the three prayers extracted above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.No. 24327 of 2002

JUDGMENT

2nd April, 2007